

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 3:15-CR-010-RCJ-(VPC)
)
BENJAMIN JOHNNY SCRUGGS,)
)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on September 21, 2015, defendant BENJAMIN JOHNNY SCRUGGS pled guilty to Count Two of a Two-Count Indictment charging him with Possession of an Unregistered Firearm in violation of Title 26, United States Code, Sections 5841 and 5861(d). Indictment, ECF No. 1; Change of Plea, ECF No. 20; Plea Agreement, ECF No. 21.

This Court finds defendant BENJAMIN JOHNNY SCRUGGS agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Indictment. Indictment, ECF No. 1; Change of Plea, ECF No. 20; Plea Agreement, ECF No. 21.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Indictment and the offense to which defendant BENJAMIN JOHNNY SCRUGGS pled guilty.

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1 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section
2 924(d)(1) with Title 28, United States Code, Section 2461(c) and Title 26, United States Code, Section
3 5872:

- 4 1. Savage Arms 12 gauge shotgun (with barrel length of approximately 14 inches an
5 overall length of approximately 21.5 inches), Model 94 Series M, bearing serial number
6 C325827;
- 7 2. a Marsh Coulter Marine Flare Pistol, 25 mm. as modified with the metal cylinder/sleeve
8 to accept 12 gauge shotgun ammunition; and
- 9 3. any and all ammunition
10 (all of which constitutes "property").

11 This Court finds the United States of America is now entitled to, and should, reduce the
12 aforementioned property to the possession of the United States of America.

13 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
14 United States of America should seize the aforementioned property.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
16 BENJAMIN JOHNNY SCRUGGS in the aforementioned property is forfeited and is vested in the
17 United States of America and shall be safely held by the United States of America until further order
18 of the Court.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
20 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
21 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
22 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
23 name and contact information for the government attorney to be served with the petition, pursuant to
24 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
26 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate

1 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
2 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
3 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's
4 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
5 petition and the relief sought.

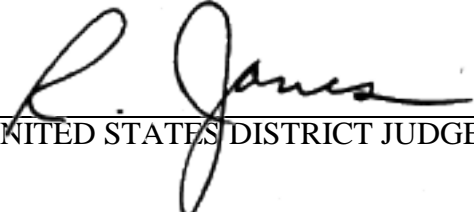
6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
7 with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South
8 Virginia Street, 3rd Floor, Reno, NV 89501, no later than thirty (30) days after the notice is sent or, if
9 direct notice was not sent, no later than sixty (60) days after the first day of the publication on the
10 official internet government forfeiture site, www.forfeiture.gov.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
12 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
13 following address at the time of filing:

14 Greg Addington
15 Assistant United States Attorney
16 100 West Liberty Street, Suite 600
Reno, NV 89501

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
18 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
19 following publication of notice of seizure and intent to administratively forfeit the above-described
20 property.

21 Dated this 25th day of September, 2015.

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25 UNITED STATES DISTRICT JUDGE
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